

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

LORI ANN YANCEY, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
)	
vs.)	No. 3:04-556
)	No. 3:04-610
MARTY CARSON, <i>et al.</i> ,)	Varlan/Shirley
)	
Defendants.)	

PLAINTIFFS' MOTION IN LIMINE REGARDING POLYGRAPHS

Come now the Plaintiffs, and move the Court to prohibit evidence and argument concerning polygraph examinations that may have been offered or given to Marty Carson and all witnesses.

MEMORANDUM IN SUPPORT OF MOTION

No federal court has held that polygraph evidence is admissible. *See United States v. Scheffer*, 523 U.S. 303, 118 S.Ct. 1261, 140 L.Ed.2d 413 (1998)(finding there is no consensus among jurisdictions that polygraph evidence is reliable); *See also United States v. Scarborough*, 43 F.3d 1021, 1026 (6th Cir. 1994)(district court did not err in barring defendant's cross-examination of witness on his failure of polygraph test as results of polygraph are "inherently unreliable"); *United States*

v. Thomas, 167 F.3d 299, 309 (6th Cir. 1999) ("We have repeatedly held that unilaterally obtained polygraph evidence is almost never admissible under Evidence Rule 403").

Respectfully submitted this 24th day of October, 2007.

Law Office of Herbert S. Moncier

By: s/David S. Wigler
David S. Wigler, BPR# 014525
Suite 775, Bank of America Center
550 Main Street
Knoxville, Tennessee 37902
(865) 546-7746 - voice
(865) 546-7765 - facsimile
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the date above written, a true and correct copy of the foregoing was filed electronically and notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. All other parties will be served by U.S. Mail.

s/David S. Wigler
David S. Wigler